

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BERNICE MALCOLM,

Plaintiff,

DECISION AND ORDER

08-CV-6300L

v.

HONEOYE FALLS-LIMA CENTRAL
SCHOOL DISTRICT,

Defendant.

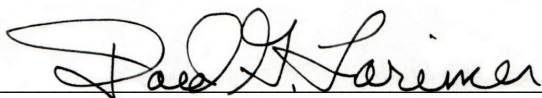
Plaintiff, Bernice Malcolm, who appears *pro se*, has moved for a temporary restraining order against defendant Honeoye Falls-Lima Central School District.

The motion is denied. In order to obtain preliminary injunctive relief in this circuit, a movant must show: (1) irreparable harm in the absence of the relief sought and (2) either (a) a likelihood of success on the merits or (b) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in the movant's favor. *Donninger v. Niehoff*, 527 F.3d 41, 47 (2d Cir. 2008); *Sunward Elecs., Inc. v. McDonald*, 362 F.3d 17, 24 (2d Cir. 2004). Plaintiff has not carried that burden.

CONCLUSION

Plaintiff's motion for a temporary restraining order (Docket #6) is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 1, 2008.